

Remarks

Applicants respectfully submit that all claims are allowable in light of the accompanying Declaration under 37 CFR 1.131.

Applicants submit that the Hajjar et al. reference is not applicable as prior art against the instant patent application. The Hajjar et al. reference was filed on Aug. 7, 2000, based on provisional applications filed May 26, 2000 and June 6, 2000.

A first Declaration made by the first named inventor David Boertjes, on August 30, 2005 was filed with the Office Action response dated August 31, 2005. The declaration detailed due diligence prior to the effective date of the reference and up to the filing date of the present invention, and was supported by accompanying Exhibits.

A second Declaration made by the first named inventor on February 15, 2006, and accompanied the Office Action response dated February 15, 2006. The declaration asserted conception prior to the effective date of the reference. The Examiner rejected the Declaration, stating the Applicants had not submitted evidence to support the Declaration.

In response, a further Declaration made by the first named inventor on August 6, 2006 accompanies this response and demonstrates a conception date of at least April 13, 2000. In support of the Declaration, Applicants have submitted evidence in the accompanying Exhibit. It is submitted that this Declaration overcomes the rejection of the Declaration dated February 15, 2006.

The Declarations demonstrate that the present invention predates the Hajjar et al. filing and removes the 35 USC §§102(e) reference. Accordingly, the rejection of these claims under 103(a) is believed to be overcome.

Similar arguments apply to the remainder of the claims. Accordingly, it is submitted that all of the remaining claims are now in allowable form, and withdrawal of the rejections and allowance of the application are respectfully requested.

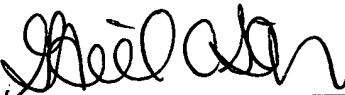
Appl. no. 10/029,282
Response dated July 17, 2006
Final Office Action dated August 11, 2006

It is submitted that this application is now in condition for allowance, and action to that end is respectfully requested.

Respectfully submitted,

BOERTJES, David, W. et al

By:


Gail C. Silver
Reg. No. 47,945
Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa, ON K1P 1J9
CANADA
Tel: (613) 237-5160
Fax: (613) 787-3558
E-mail: ipinfo@blgcanada.com

JMM/GCS/dbm